UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
5th meeting
held on
Wednesday, 6 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mrs. FLORES (Uruguay)

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Distr. GENERAL
A/C.6/48/SR.5
22 October 1993

ORIGINAL: ENGLISH

93-81433 (E)

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (A/48/33; A/48/140-S/25597; A/48/205-S/25923; A/48/209-S/25937; A/48/379-S/26411 and A/48/445-S/26501)

1. Mr. KOURULA (Finland), Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, introducing the report of the Special Committee (A/48/33), said that since its inception, the Special Committee had been mandated to examine three broad issues: the maintenance of international peace and security, the peaceful settlement of disputes, and the strengthening of the role of the Organization. The Secretary-General's report "An Agenda for Peace" (A/47/277-S/24111) had no doubt given added momentum to and spurred interest in the Special Committee's work on those issues, an interest which was demonstrated clearly by the growing number of requests for observer status with that Committee from both States Members of the United Nations and those having observer status with the Organization. In addition, for the first time observers from the nine intergovernmental organizations mentioned in paragraph 9 of the report had been invited to attend the Committee's 1993 session and present their views at meetings at which the item on cooperation between the United Nations and regional organizations in the maintenance of international peace and security had been considered.

2. Reviewing the general debate at the Special Committee's 1993 session, he noted that emphasis had been placed on the importance of that Committee's work at a time when the United Nations was faced with new and unprecedented challenges. A number of structural proposals had been made with a view to enhancing the Organization's ability to respond effectively to those new demands. Lengthy consideration had been given to the composition and work of the Security Council; it had been noted that the Council was finally functioning in the manner intended by the drafters of the Charter. A stronger role for the General Assembly in preserving world peace had been called for. In addition, the need to enhance the role of the International Court of Justice had been emphasized and, to that end, it had been suggested that the Secretary-General should be authorized to seek advisory opinions from the Court.

3. During the general debate it had also been observed that the Charter system of collective security was not being fully implemented. It had been suggested that the Special Committee should consider all aspects of that issue and develop general and flexible guidelines, possibly in the form of a declaration. Mention had been made of the possibility of convening, pursuant to Article 109 of the Charter, a General Conference for the purpose of reviewing the Charter.

4. At its 1993 session, the Special Committee had considered six working papers relating to the question of the maintenance of international peace and security. It had first considered a document entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations", submitted by the Russian Federation (A/48/33, para. 28) and the amendment thereto proposed by Mexico. The document had provided a broad base for the extended discussion held by the Special Committee on possible means of

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collaboration between the United Nations and regional organizations in the maintenance of international peace and security, a topic of contemporary interest. However, many delegations and intergovernmental organizations had expressed views that had gone beyond the confines of those contained in the document. The definition per se of regional arrangements or agencies under Chapter VIII of the Charter had not been debated at great length. The need for enhanced cooperation between the United Nations and regional organizations had been unanimously recognized and the question of whether cooperation should be limited solely to the maintenance of international peace and security had been raised frequently. Several States and organizations had emphasized the autonomous status of regional organizations in relation to the United Nations; at the same time, the limitations of such organizations' powers, as provided for under Chapter VIII of the Charter, had been universally recognized. The importance of exercising flexibility in effecting such cooperation in different regions had been stressed: effective coordination could only be achieved through recognition of the special characteristics of each region and the particular situation involved.

5. The Special Committee was likely to continue its consideration of the topic of cooperation between the United Nations and regional organizations. Since the matter involved issues of competence as well as legal questions, it might well be necessary to establish practical guidelines for such cooperation, possibly in the form of a handbook.

6. The Special Committee had then considered a working paper submitted by Cuba entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/48/33, para. 90), a revised version of an earlier draft. It had subsequently considered a revised proposal submitted by the Socialist People's Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (A/48/33, para. 93) and had then considered a revised working paper entitled "New issues for consideration by the Special Committee", submitted by the Russian Federation (A/48/33, para. 95).

7. Lastly, the Special Committee had considered a working paper entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter" (A/48/33, para. 98), submitted by Bolivia, Bulgaria, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Malta, Mauritania, Mongolia, Mozambique, Nicaragua, Panama, Paraguay, the Republic of Moldova, Romania, Ukraine and Uruguay, and another working paper bearing the same title, submitted by India and Nepal (A/48/33, para. 99).

8. The Special Committee had given lengthy consideration to the question of the implementation of Article 50 of the Charter, focusing its debate on the economic implications for third States of the applications of sanctions imposed under Security Council resolutions. The need to assist affected States had been universally recognized. There had, however, been differing views on three points: a single fund versus separate funds; the need for alternative mechanisms; and the preparation of a set of guidelines for consideration of applications from affected States. There had also been disagreement on the

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issue of an automatic right to compensation versus the right to consult with the Security Council regarding appropriate measures to be taken under Article 50. The complexity of the issue was widely acknowledged: it had been addressed by both the Security Council and the General Assembly and debate was continuing in the informal working group on "An Agenda for Peace".

9. In its debate on the item on the peaceful settlement of disputes between States, the Special Committee had considered a revised draft document entitled "United Nations rules for the conciliation of disputes between States", submitted by Guatemala (A/48/33, para. 122). While it generally considered the revised draft to be more flexible and concise than the earlier version, the Committee had called for an even less complicated text. The question had been raised as to whether there was a need to add a new text to the numerous instruments on conciliation that already existed. In reply, it had been suggested that the proposed rules might serve as model rules. Certain new developments concerning conciliation had not been reflected in the revised draft and, accordingly, Guatemala had offered to prepare a new version and to submit it well in advance of the Special Committee's next session.

10. The Special Committee had also had before it a communication from the Legal Counsel concerning the United Nations Decade of International Law (A/48/33, para. 160).

11. The Special Committee had been mandated to consider a set of items which were both difficult and topical; such issues could not be resolved overnight. At the same time, considerable progress had been made in many areas: at its most recent session, the Special Committee had been able to identify certain key points on which further debate was needed. Through the sustained and collaborative efforts of its members, the Special Committee had demonstrated its continuing relevance in the areas of its mandate. It was to be hoped that through its constructive evaluation of the report before it (A/48/33), the Sixth Committee would continue to provide guidance to the Special Committee.

The meeting rose at 10.40 a.m.